

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN VANFOSSAN,  
Plaintiff,  
v.  
JOHN AMAYA, et al.,  
Defendants.

Case No. 1:20-cv-00173-ADA-EPG (PC)  
ORDER GRANTING IN PART PLAINTIFF'S  
MOTION TO MODIFY THE SCHEDULING  
ORDER  
(ECF No. 73)

Plaintiff Benjamin VanFossan is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On June 17, 2022, the Court granted the parties' stipulation, and as relevant, modified the scheduling order as follows:

- a. The deadline to complete non-expert discovery is extended until October 25, 2022, for the limited purpose of allowing Plaintiff to serve interrogatories to Defendants Amaya and Huerta and a request for production of documents relating to the schematics of the shower at California State Prison, Corcoran's 3B04 lower B Section;

...

- b. All dispositive motions shall be filed on or before December 28, 2022.  
(ECF No. 70, pgs. 1-2).

On September 21, 2022, Plaintiff filed a motion to modify these deadlines (ECF No. 73), which is now before the Court. Plaintiff asks the Court to extend the non-expert discovery deadline and the dispositive motion deadline by 120 days. Plaintiff states that he had to "transpack" his property shortly after June 17, 2022, in preparation for a transfer to Mule Creek

1 State Prison. However, there were issues with the transfer, and he was not transferred until  
2 August 4, 2022. When he was transferred, he had to travel by van, and there was no room left for  
3 his property. Plaintiff did not receive his property until either the end of August or the beginning  
4 of September. Additionally, Plaintiff recently started a new college course, received an  
5 assignment ducat for a new job, is preparing for a hearing with California Department of  
6 Corrections and Rehabilitations psychologists for a Comprehensive Risk Assessment, and is  
7 preparing for a “Board of Prison Hearings” in April of 2023 to be determined suitable for parole.  
8 Thus, Plaintiff has little time to work on this suit.

9 The Court finds good cause to modify the scheduling order. However, given that this case  
10 has been pending since January of 2020 (ECF No. 1) and that discovery has been open since June  
11 1, 2021 (ECF No. 41), the Court will only extend the deadlines by 60 days.

12 Accordingly, IT IS ORDERED that:

- 13 1. The deadline to complete non-expert discovery is extended until December 26, 2022,  
14 for the limited purpose of allowing Plaintiff to serve interrogatories to Defendants  
15 Amaya and Huerta and a request for production of documents relating to the  
16 schematics of the shower at California State Prison, Corcoran’s 3B04 lower B Section;
- 17 2. All dispositive motions shall be filed on or before February 27, 2023; and
- 18 3. All unmodified requirements in the Court’s June 1, 2021 scheduling order (ECF No.  
19 41) remain in effect.

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21 IT IS SO ORDERED.

22 Dated: September 22, 2022

/s/ Eric P. Gray  
23 UNITED STATES MAGISTRATE JUDGE  
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